

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Gary Amerson

Docket No. 4:11-CR-11-1 D

Petition for Action on Conditions of Pretrial Release

COMES NOW Dennis E. Albertson, probation officer of the court, presenting an official report upon the conduct of defendant, Gary Amerson, who appeared before the Honorable James C. Dever III, U.S. District Judge, sitting in the Court at Raleigh, NC, on the 11th day of April, 2011, for initial appearance and arraignment and was placed under pretrial supervision subject to the following conditions:

- Maintain or actively seek employment.
- Surrender any passport to the United States Probation Office.
- Abide by the following restrictions on personal association, place of abode, or travel: Remain within the Eastern District of North Carolina unless pre-approved for travel by the U.S. Probation Officer
- Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- Refrain from excessive use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Amerson was arrested by N.C. Wildlife Officer K.E. VanAlthuis in Carteret County on June 11, 2011, and charged with the misdemeanor offenses of Boating While Under the Influence of an Impairing Substance and Operating a Watercraft Vessel without the Proper Fire Extinguisher. The defendant was released that same day to the custody of a sober adult with the written promise to appear at his next court date, July 27, 2011, in Carteret County District Court.

Amerson reported his arrest to the undersigned officer in a timely manner. The defendant acknowledged he had drunk 5 beers while swimming and boating with his wife around the Cape Lookout area during a 4 hour period prior to his contact with the aforementioned wildlife officer. Amerson advised he felt he performed well on the field sobriety test and only declined to submit to a breathalyzer as the officer told him it was optional and would have no effect on his driver's license. The offender advised he did not feel impaired noting his weight of 275 lbs and the time frame of consumption; however, based on the pending charges, he is willing to totally abstain from the use of alcohol, secure a substance abuse assessment and participate in any recommended treatment. Based on the fact this charge is pending adjudication in the state court and there is insufficient evidence to suggest Amerson was grossly impaired, it is believed the existing conditions with a single modification of no alcohol use will be sufficient to address the defendant's risk of danger to the community.


PRAYING THAT THE COURT WILL ORDER that the defendant be continued under pretrial supervision and the conditions of release be modified to require the defendant to refrain from any use of alcohol.

/s/ Dennis E. Albertson

Senior U.S. Probation Officer
413 Middle Street, Room 304
New Bern, NC 28560-4930
Phone: 252-638-4944
Executed On: June 20, 2011

ORDER OF COURT

Considered and ordered this 21 day of June, 2011, and ordered filed and made a part of the records in the above case.



James C. Dever III
U.S. District Judge